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PART III.

Acts and Bills of the Governor General of India in Council, &c.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd November 1880, and is hereby promulgated for general information :—

ACT NO. XIV OF 1880.

An Act to provide for certain matters in connection with the taking of the Census.

Preamble.

WHEREAS it has been determined to take a census of British India, and it is expedient to provide for certain matters in connection with the taking of such census ; It is hereby enacted as follows :—

Short title.
Commencement.

1. This Act may be called " The Indian Census Act, 1880," and shall come into force on the passing thereof.

Local extent.

2. This section and sections three, four and thirteen extend to the whole of British India.

The remaining sections extend only to such parts of British India as the Local Government may, from time to time, by notification in the official Gazette direct.

Appointment of Census-officers.

3. The Local Government may appoint any person by name or in virtue of his office to take, or aid in or surpervise the taking of, the census within any specified local area.

Persons so appointed shall be called " Census-officers."

The Local Government may delegate to such authority as it thinks fit the power conferred by this section.

Proof of appointment of Census-officer.

4. A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment.

Census-officers to be deemed public servants.

All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Duties of Census-officers how to be discharged in certain cases.

5. (*a*) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war,

(*b*) every person (except a pilot or harbour-master) having charge or control of a vessel,

(*c*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(*d*) every keeper or manager of any sarái, hotel, boarding-house, lodging-house or club, and

(*e*) every occupant of immovable property having at the time of taking the census not less than fifty persons employed under him on or in such property,

shall, if so required by the Magistrate of the District, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a Census-officer in relation to the persons who at the time of taking the census are under his command or charge, or inmates of his house or present on or in such property, as such Magistrate or officer may, by an order written, printed or lithographed, direct.

All the provisions of this Act relating to Census-officers shall apply (so far as they are applicable) to all such persons while performing such duties; and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of Magistrate of District to call upon certain persons to give assistance.

6. The Magistrate of the District may, by an order written, printed or lithographed, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, in his district, or their agents, and upon all members of panchâyats appointed in his district under Bengal Act No. VI of 1870 (*to provide for the appointment, dismissal and maintenance of Village Chaukidárs*), to give such assistance as he needs towards the taking of a census of the persons who are at the time of taking the census on the lands of such owners, occupiers, holders, farmers, and assignees, within the limits of such fisheries or in the villages for which such panchâyats are appointed, as the case may be.

Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees, or their agents, and the members of such panchâyats, shall be bound to obey it.

Census-officers empowered to ask questions.

7. Every Census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

8. Every person of whom any question is asked under section seven shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household; and that no woman shall be bound to state the name of her husband or deceased husband.

9. Every person occupying any house, enclosure, vessel or other place, shall allow the Census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable.

Occupier of house, &c., to allow access.

10. Subject to such orders as the Local Government may issue in this behalf, any Census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the persons present in such house or part at the time of taking the census.

Occupier of house to fill up schedule.

When any such schedule has been so left, the occupier of the house or part to which it relates shall fill up the same to the best of his knowledge or belief, so far as regards the persons present in such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the Census-officer or to such person as he may direct.

Any occupier of a dwelling-house or part thereof who knowingly and without sufficient cause fails to comply with the provisions of this section or makes any false return hereunder, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Penalty for failing to fill up schedule, &c., or making false return.

11. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructious published by the Local Government under section seven, puts any offensive or improper question, or makes any false return, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Penalty for misconduct of Census-officers.

12. The Local Government may, by notification in the official Gazette,

Jurisdiction in prosecutions.

(*a*) declare before what classes of Magistrates prosecutions under this Act, or for neglecting or refusing to do anything required by this Act to be done, may be instituted; and

(*b*) direct that no such prosecution shall be instituted except with its previous sanction, or with the previous sanction of some officer authorized by it in this behalf.

Unless and until a notification is published under clause (*a*) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the Magistrate of the District.

13. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872 no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any Civil proceeding or any proceeding under chapter forty or chapter forty-one of the Code of Criminal Procedure or chapter eighteen of the Presidency Magistrates Act, 1877.

Records of census not admissible in evidence in certain proceedings.

D. FITZPATRICK,
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